

REMARKS

This is a full and timely response to the outstanding Office action mailed May 5, 2005.

Claims 1-4, 9-20, 22, 23 and 28-30 remain pending.

I. Present Status of Patent Application

Claims 1-4, 9-20, 22, 23 and 28-30 are rejected under 35 U.S.C. 102 (b) as being anticipated by Hylton, et al(U.S. Patent No. 5,708,961). To the extent that these rejections have not been rendered moot by the cancellation of claims, they are respectfully traversed.

II. Rejections Under 35 U.S.C. §102(b)

A. Claims 1-4, 22-23 and 30

The Office Action rejects claims 1-4, 22-23 and 30 under 35 U.S.C. §102(b) as allegedly being anticipated by *Hylton* (U.S. Patent No. 5,708,961). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1 recites:

1. In a system with a plurality of packetized data streams, a method of designating a source of at least one packetized data stream within a multiplexed signal including at least a portion of the at least one packetized data stream, the method comprising the steps of:

assigning to the source of the at least one packetized data stream, a first unique designator;

multiplexing at least the portion of the at least one packetized data stream with at least a portion of a second packetized data stream to create the multiplexed signal; and

transmitting the first unique designator in conjunction with the multiplexed signal, wherein the first unique designator indicates the source of the at least one packetized data stream.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988). Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Hylton* does not disclose, teach, or suggest at least **assigning to the source of the at least one packetized data stream, a first unique designator**. The Office Action alleges that *Hylton* teaches this element.

The ATM packet handler 319 receives the ATM cell streams and converts the cell payload information into MPEG II packet streams.

As such, the ATM packet handler 319 comprises an ATM demultiplexer for demultiplexing ATM virtual circuits and performing the reverse adaptation to recover the MPEG packet streams for various programs. The packet handler 319 also includes an MPEG II multiplexer for multiplexing a number of MPEG II packetized programs into each of a plurality of super transport streams. The format of these transport streams is identical to that discussed above relative to FIGS. 3A and 3B except that the program numbers (PNs) and PID values are assigned to the individual programs transported through the network.

See *Hylton* col. 23 lines 5-16.

However, attention is drawn to Applicants' specification (page 11, lines 5 – 9), which states, in accordance with one exemplary embodiment:

"The unique designator is not to be confused with a packet identifier (PID). The PID is associated with the packet and identifies all packets with the same type of data associated with a particular program or service. For example, the video packets associated with the television program for channel 12 will all have the same PID. The unique identifier of the present invention is

associated with the source of the portion of the multiplexed signal for the packetized data.”

(Emphasis added).

Clearly, as this non-limiting example illustrates, assigning a unique designator to the source is not the same as a PID. Consequently, Applicants respectfully assert that *Hylton* does not disclose the elements of claim 1, and therefore, claim 1 is allowable.

Applicants further submit that the Office Action rejection of claim 1 under 35 U.S.C. §102(e) is improper because the cited art fails to properly disclose, teach or suggest each element of Applicants' claim 1. Specifically, *Hylton* fails to disclose at least, “*assigning to the source of the at least one packetized data stream, a first unique identifier.*” The program number and PID disclosed in *Hylton* do not disclose designating a unique identifier to a source of a data stream. Two programs could emanate from the same source, yet have different program numbers.

Additionally, *Hylton* further fails to disclose “*transmitting the first unique designator in conjunction with the multiplexed signal, wherein the first unique designator indicates the source of the at least one packetized data stream.*” Therefore, Applicants respectfully submit that the Office Action rejection of claim 1 under 35 U.S.C. §102(e) is improper and the rejection should be withdrawn.

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-4, 22-23, and 30 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-4, 22-23, and 30 contain all the steps/features of independent claim 1. Therefore, since dependent claims 2-4, 22-23, and 30 are patentable over *Hylton*, the rejection to claims 2-4, 22-23, and 30 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 2-4, 22-23, and 30 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 2-4, 22-23, and 30 are allowable.

B. Claims 9 and 10

The Office Action rejects claims 9 and 10 under 35 U.S.C. §102(b) as allegedly being anticipated by *Hylton* (U.S. Patent No. 5,708,961). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 9 recites:

9. In a host terminal, a method of multiplexing together packets from at least two packetized data streams to enable decryption of the packets by an external conditional access module, the method comprising the steps of:

assigning to each of the sources originating the at least two packetized data streams, associated unique designators;

multiplexing the packets forming portions of the at least two packetized data streams into a signal;

creating an association for each packet in the signal with the unique designator of the originating packetized data stream from which each packet originated;

transmitting the signal and the associations of the packets to the external conditional access module; and

decrypting, in the external conditional access module, the packets in the signal based on the associated unique designators.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 9 is allowable for at least the reason that *Hylton* does not disclose, teach, or suggest at least **assigning to each of the sources originating the at least two packetized data streams, associated unique designators.**

Because independent claim 9 is allowable over the cited art of record, dependent claim 10 (which depends from independent claim 9) is allowable as a matter of law for at least the reason that dependent claim 10 contains all the steps/features of independent claim 9. Therefore, since dependent claim 10 is patentable over *Hylton* the rejection to claim 10 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 9, dependent claim 10 recites further features and/or combinations of features, as are apparent by examination of the claim itself, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claim 10 is allowable.

C. Claims 11-13

The Office Action rejects claims 11-13 under 35 U.S.C. §102(b) as allegedly being anticipated by *Hylton* (U.S. Patent No. 5,708,961). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 11 recites:

11. In a system with a plurality of Moving Picture Experts Group type 2 (MPEG-2) standard transport streams and a host terminal, a method of designating to an external conditional access module a source of at least one packet of a first MPEG-2 transport stream with a multiplexed signal including the at least one packet of the first MPEG-2 transport stream, the method comprising the steps of:

assigning to the source of the first MPEG-2 transport stream, a unique designator;

creating a transport stream source indicator signal that includes the unique designator associated with the at least one packet of the first MPEG-2 transport stream;

multiplexing the at least one packet of the first MPEG-2 transport stream with packets from at least a portion of a second MPEG-2 transport stream to create the multiplexed signal; and

transmitting to the external conditional access module the transport stream source indicator signal in conjunction with the multiplexed signal, wherein transmission of the transport stream source indicator signal, by the unique designator, indicates the source of the at least one packet as the source of the first MPEG-2 transport stream.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 11 is allowable for at least the reason that *Hylton* does not disclose, teach, or suggest at least **assigning to the source of the first MPEG-2 transport stream, a unique designator.**

Because independent claim 11 is allowable over the cited art of record, dependent claims 12 and 13 (which depend from independent claim 11) are allowable as a matter of law for at least the reason that dependent claims 12 and 13 contain all the steps/features of independent claim 11. Therefore, since dependent claims 12 and 13 are patentable over *Hylton*, the rejection to claims 12 and 13 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 11, dependent claims 12 and 13 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 12 and 13 are allowable.

D. Claims 14-17

The Office Action rejects claims 14-17 under 35 U.S.C. §102(b) as allegedly being anticipated by *Hylton* (U.S. Patent No. 5,708,961). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 14 recites:

14. An external conditional access module comprising:

a host terminal interface configured to receive from a host terminal, an incoming multiplexed signal comprising at least one packetized data stream that includes ***a unique source address that indicates a source of a data packet inside the at least one packetized data stream;***

a de-multiplexer configured for de-multiplexing the incoming multiplexed signal into data packets associated with the at least one packetized data stream based on the unique source address associated with each data packet;

a controller configured for determining if decryption is allowed for the data packets associated with the least one packetized data stream and for controlling decryption parameters; and

a decryptor configured for decrypting, if decryption is allowed, the data packets associated with the at least one packetized data stream using decryption parameters for the at least one packetized data stream.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 14 is allowable for at least the reason that *Hylton* does not disclose, teach, or suggest at least **a unique source address that indicates a source of a data packet inside the at least one packetized data stream.**

Because independent claim 14 is allowable over the cited art of record, dependent claims 15-17 (which depend from independent claim 14) are allowable as a matter of law for at least the reason that dependent claims 15-17 contain all the steps/features of independent claim 14. Therefore, since dependent claims 15-17 are patentable over *Hylton* the rejection to claims 15-17 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 14, dependent claims 15-17 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 15-17 are allowable.

E. Claims 18-20

The Office Action rejects claims 18-20 under 35 U.S.C. §102(b) as allegedly being anticipated by *Hylton* (U.S. Patent No. 5,708,961). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 18 recites:

18. A host terminal that provides a multiplexed signal to an external conditional access module, wherein the multiplexed signal includes data packets from at least two packetized data streams, the host terminal comprising:

at least two tuners, each tuner for receiving one of the at least two packetized data streams; and

a multiplexer for combining data packets from the at least two packetized data streams into the multiplexed signal, for **assigning a unique source address that indicates which tuner received the packetized data stream associated with the data packets**, for transmitting the multiplexed signal to the external conditional access module, and for communicating the unique source address associated with each data packet to the external conditional access module.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 18 is allowable for at least the reason that *Hylton* does not disclose, teach, or suggest at least **assigning a unique source address that indicates which tuner received the packetized data stream associated with the data packets**.

Because independent claim 18 is allowable over the cited art of record, dependent claims 19 and 20 (which depend from independent claim 18) are allowable as a matter of law for at least the reason that dependent claims 19 and 20 contain all the steps/features of independent claim 18. Therefore, since dependent claims 19 and 20 are patentable over *Hylton* the rejection to claims 19 and 20 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 18, dependent claims 19 and 20 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 19 and 20 are allowable.

F. Claims 28 and 29

The Office Action rejects claims 28 and 29 under 35 U.S.C. §102(b) as allegedly being anticipated by *Hylton* (U.S. Patent No. 5,708,961). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 28 recites:

28. A point-of-deployment (POD) module comprising:
 - a host terminal interface configured to receive from a host terminal, a multiplexed signal comprising a first encrypted signal together with *a first transport stream source indicator signal (TSSIS)*;
 - a demultiplexer configured to use the first TSSIS to identify the first encrypted signal in the multiplexed signal;
 - a controller configured to generate a first decryption instruction upon receiving authorization through a first authorization grant signal; and
 - a first decryptor configured to receive from the demultiplexer, the first encrypted signal, and decrypt the first encrypted signal conditional to receiving the first decryption instruction.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 28 is allowable for at least the reason that *Hylton* does not disclose, teach, or suggest at least *a first transport stream source indicator signal (TSSIS)*.

Because independent claim 28 is allowable over the cited art of record, dependent claim 29 (which depends from independent claim 28) is allowable as a matter of law for at least the reason that dependent claim 29 contains all the steps/features of independent claim 28. Therefore, since dependent claim 29 is patentable over *Hylton* the rejection to claim 29 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 28, dependent claim 29 recites further features and/or combinations of features, as are

apparent by examination of the claim itself, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claim 29 is allowable.

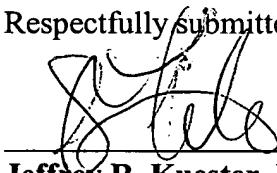
III. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-4, 9-20, 22-23, and 28-30 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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